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C O N F I D E N T I A L ASUNCION 000910

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E.O. 12958: DECL: 07/26/2027

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SUBJECT: OVIEDO'S CONVICTION OVERTURNED

REF: ASUNCION 636

Classified By: DCM Michael J. Fitzpatrick; reasons
1.4 (b) and (d).

¶1. (SBU) After receiving new testimony, Paraguay's Supreme Court voted late October 30 to overturn General Lino Oviedo's conviction and 10-year jail sentence for the 1996 attempted coup. With the conviction overturned, Oviedo has now cleared the highest remaining legal hurdle to his candidacy for president in the April 2008 elections. Following the Supreme Court's decision around 11 p.m. October 30, the National Electoral Tribunal (TSJE) allowed Oviedo to register to vote; TSJE President Morales said publicly that Oviedo's full

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political and civil rights have been reinstated.

¶2. (C) There are still charges technically pending against Oviedo for the 1999 assassination of Vice President Luis Argana and the subsequent killing of unarmed protesters (Marzo Paraguayo). The Supreme Court (with clear support from President Duarte) granted Oviedo's habeas corpus motions in both cases in July (reftel). Because those charges were filed under the old criminal code (before 2000), we believe they might not serve as legal obstacles to his candidacy. That said, charges could be re-initiated, or some other legal/political maneuvering could still come out of the woodwork to threaten Oviedo's candidacy.

¶3. (C) COMMENT: Post has been reporting Duarte deals to free Oviedo in order to divide the political opposition over the past year. A recent iteration involved President Duarte granting Oviedo's conditional release in exchange for his party's support for Duarte's Senate bid. However, a Supreme Court judge told Emboff October 29 that Duarte was pressuring the justices to overturn Oviedo's conditional release and return him to jail. It appears that Duarte may have changed his mind about whether Oviedo's candidacy would help or hurt the Colorados and attempted to keep him out of the electoral contest. If so, Duarte's last-minute efforts proved to be too little too late. END COMMENT.

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